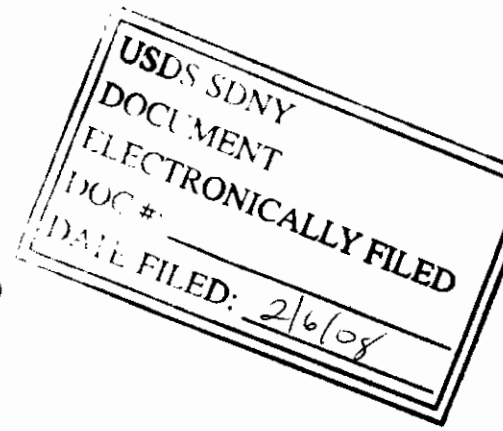


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MOHAMMED K. UDDIN on behalf of
himself and others similarly situated,

INDEX NO:
07 CV 2158 (RJS)



Plaintiffs,

v.

RADIANTE LLC d/b/a CITY HALL
RESTAURANT, and HENRY MEER,

Defendants.
-----X

~~PROPOSED~~ ORDER GRANTING APPROVAL AND AUTHORIZING
NOTICE

Pending before this Court is the parties' Joint Motion for Approval of Settlement of a Collective Action. After scrutinizing the recitations contained in that Motion and the terms in the Stipulation of Settlement of a Collective Action ("Stipulation of Settlement") attached to that Motion, as well as all other attachments and documents filed or submitted to the Court in this case, the Court finds that a bona fide dispute of law and fact exists between the parties, that the terms of the Stipulation of Settlement are fair and equitable, and the pending motion should be granted. Therefore, the Court:

ORDERS THAT:

A. All defined terms used herein shall have the same meaning as in the Stipulation of Settlement.

B. The parties' Stipulation of Settlement, and Notice of Consent to Join as a Party Plaintiff Under the Fair Labor Standards Act and Claims Release Form

("Collective Action Notice") are approved. All terms set forth in the Stipulation of Settlement are binding on Plaintiff and the Settlement Collective Action Members who choose to opt-in to this litigation as plaintiffs.

C. Plaintiff's Counsel will facilitate the mailing of the Collective Action Notice, via regular mail with postage affixed, to all Settlement Collective Action Members at their Last Known Addresses as set forth in the Stipulation of Settlement.

D. Plaintiff's Counsel shall notify the Court within twenty (20) days of the Notice Response Deadline. Thereafter the parties shall move the Court to enter a Final Order of Dismissal with Prejudice.

Date: New York, New York

~~January~~ 5 2008
Fahmy


Honorable Richard J. Sullivan, United States District Court

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January 22, 2008

Via Hand Delivery

The Honorable Richard J. Sullivan
United States District Judge
United States District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 715
New York, New York 10007

Re: Uddin, et al. v. Radiante LLC, et al.
Civil Action No.: **07-cv-02158-RJS**

Dear Judge Sullivan:

We represent Plaintiffs in the above-captioned matter. I write on behalf of both parties.

On December 21, 2007, this Court ordered that this action be discontinued on the basis of a settlement reached by the parties and allowed the parties thirty days to submit a letter requesting restoration of this action. The parties have in fact reached a resolution of this action. Because this action is a collective action brought pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, the settlement requires this Court's approval to be effective. *See Lynn's Food Stores v. United States*, 679 F.2d 1350 (11th Cir.1982) (holding that settlement of an FLSA claim must be approved by either a court or the Department of Labor).

On January 20, 2008, the parties submitted via ECF a Joint Motion for Approval of Settlement of this action. The parties respectfully request that Court restore this matter to its calendar for purposes of deciding the parties' motion.¹


¹ As January 21, 2008 was a legal holiday, the final day for the parties to make this request is today. FRCP § 6(a).


The Honorable Richard J. Sullivan
Uddin, et al. v. Radiante LLC, et al.
Civil Action No.: 07-cv-02158-RJS
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Thank you for your attention to this matter.

Respectfully submitted,

JOSEPH & HERZFELD LLP


D. Maimon Kirschenbaum (DK-2338)


Hon. Richard J. Sullivan

cc: Carolyn D. Richmond, Esq.